





City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: November 8, 2005

TO: City Council

VIA: Dennis R. Halloway, City Manager 

FROM: Deborah Woldruff, AICP, Community Development Director 

SUBJECT: GENERAL PLAN UPDATE PROJECT – The project is a comprehensive update to the City's General Plan document (text and maps) that will set policy and guide the City's development over the next twenty years. Areas directly affected by the update project include all properties located within the City's corporate limits, and properties within the City's Sphere of Influence in the County unincorporated areas generally east and south of the City limits to the Redlands City limits and Riverside County Line.

RECOMMENDATION

The recommendation is for the City Council to take the following actions:

1. Adopt Council Bill R-2005-55 (Attachment 1) for the General Plan Update Project Program Environmental Impact Report, which:
 - a. Adopts and Approves the Findings for Statements of Overriding Considerations (pursuant to CEQA Guidelines Sections 15043, 15091, 15092, and 15093) for the significant unavoidable adverse impacts related to Air Quality, Loss of Open Space, Biological Resources, Water Supply, and Traffic and Circulation that would result from implementation of the General Plan (October 2005);
 - b. Approve and Certify the Final Program Environmental Impact Report (FEIR), which includes the Draft EIR, Response to Comments, and Mitigation Monitoring Program based on the Findings; and,
2. Adopt Council Bill R2005-57 (Attachment 2) which approves and adopts all Elements of the General Plan (October 2005), as follows:
 - a. Introduction To the General Plan Elements (Element 1.0)
 - b. Land Use Element (Element 2.0)
 - c. Community Design Element (Element 3.0)
 - d. Economic Development Element (Element 4.0)
 - e. Housing Element (Element 5.0)
 - f. Transportation And Circulation Element (Element 6.0)

AGENDA ITEM 2

- g. Noise Element (Element 7.0)
- h. Public Services And Facilities Element (Element 8.0)
- i. Conservation And Open Space Element (Element 9.0)
- j. Public Health And Safety Element (Element 10.0)
- k. General Plan Implementation Programs Element (Element 11.0)

Copies of the Findings of Fact for the Loma Linda General Plan and Related Actions, Statement of Overriding Considerations for the Loma Linda General Plan and Related Actions, and Draft Final General Plan (October 2005) were previously distributed to the City Council and are included as Attachments 1 and 2 to the October 25, 2005 City Council Staff Report (Attachment A).

BACKGROUND

On October 25, 2005, the City Council continued the General Plan Update Project to November 8, 2005 so that they could review the Draft General Plan (October 2005) document. The Council also wanted additional time to review and study the three proposals for the South Hills Land Use Designation – staff's recommended version in the Draft General Plan (October 2005), Alternative 1, Residential And Hillside Development Control Measure (Initiative), and Alternative 2, Proposal for the South Hills Designation.

Additional background information on the Draft General Plan is available in the City Council and Planning Commission Staff Reports that were previously distributed.

ANALYSIS

On October 25, 2005, the City Council continued the General Plan Update Project prior to any presentation of the information on the revisions to the document or the three proposals for the South Hills Area. On November 8, 2005, staff and the consultant, Mr. Lloyd Zola will provide an overview of the Draft Final Program Environmental Impact Report and revisions that have been made to the final Draft General Plan (October 2005). There will also be presentations on the South Hills Designation in the Draft General Plan (October 2005), Alternative 1 [Residential and Hillside Development Control Measure (Initiative)], and Alternative 2 (Proposal for the South Hills Designation). While there are many issues that confront the City Council regarding the future of the South Hills Area, the key issue of concern is density. The South Hills Designation would allow a maximum of 1,185 dwelling units in the hillside area, which includes all of the Initiative Area, bench area, and City limits and sphere area south of Beaumont Avenue and the urban interface. The densities per acre would vary from one unit per 10 acres, one unit per two acres, and two units per acre.

Alternative 1 (Initiative) is very complex and the maximum allowable density or number of dwelling units is not clearly spelled out. The assumption is that the dwelling unit cap would probably be lower than what is proposed in either the South Hills Designation or Alternative 2 (Proposal for the South Hills Designation). It is notable that Alternative 1 would exempt the western portion of the South Hills Area (south of the San Jacinto Fault) from the provisions of this proposed Initiative. The property owner and developer for this property have stated their interest in constructing around 400 dwelling units. These additional dwelling units would not be included in the dwelling unit cap for Alternative 1.

Alternative 2 (Proposal for the South Hills Designation) is largely based on the South Hills Designation in the final Draft General Plan (October 2005) and would allow a maximum of 1,185 dwelling units in the hillside area. Similar to the South Hills Designation, the densities per acre would vary from one geographic area of the hills to another.

The key provisions of the South Hills Designation and Alternatives 1 and 2 and the differences between the three proposals will be further discussed as part of the presentation for this agenda item.

On October 25, 2005, Mr. Jeffrey A. Goldfarb, Rutan & Tucker submitted a letter of comment on the Draft General Plan (October 2005) and the Draft Final Program Environmental Impact Report. Similar to the letters received from the Center for Biological Diversity and the San Bernardino Valley Audubon Society, Mr. Goldfarb's letter was received more than a year after the close of the California Environmental Quality Act (CEQA) mandatory 45-day public review period for the Draft EIR. For this reason, neither the letter nor the response will be included in the final environmental document. However, the letter and response will be made a part of the public record for the General Plan Update Project and maintained in the project file. In addition, the City's response was forwarded to Mr. Goldfarb on November 3, 2005 more than 10 days in advance of the November 15, 2005 Council Meeting and final actions on the project. A copy of the letter and response document are available in Attachment B.

ENVIRONMENTAL

The General Plan Update Project is subject to the California Environmental Quality Act (CEQA) and a Draft Program Environmental Impact Report (DEIR) (March 22, 2004) was prepared to evaluate the potential impacts of the project. The DEIR and Draft Responses to Comments that were received during the 45-day mandatory public review period were reviewed by the City Council on October 12, 2004.

The project is also subject to the Regional Congestion Management Plan (CMP) and Traffic Impact Analysis (TIA) was prepared to address the CMP requirements. The Council completed its review of the CMP TIA (May 13, 2004) and certified the document at the meeting on October 11, 2005.

FINANCIAL IMPACT

Other than the costs associated with the preparation of the Draft General Plan and related environmental documents, the financial impacts of the General Plan Update are unknown at this time.

ATTACHMENTS

- A. October 25, 2005 City Council Staff Report
 - 1. Council Bill R-2005-55 – Certification of the Final Program EIR
 - Exhibits
 - A. Final Program EIR (includes the DEIR, Response to Comments, and Mitigation Monitoring Program – all documents previously distributed)
 - B. Findings Of Fact For The Loma Linda General Plan And Related Actions

C. Statement Of Overriding Considerations For the Loma Linda General Plan And Related Actions

2. Council Bill R-2005-57 – Adoption of the General Plan (October 2005)
 - A. Draft Final General Plan (October 2005 – previously distributed)
3. Alternatives to the South Hills Designation
 - A. Alternative 1 – Residential And Hillside Development Control Measure (Initiative)
 - B. Alternative 2 – Proposal for the South Hills Designation
4. Comment Letters and City's Responses
 - A. Center For Biological Diversity (CBD)
 - B. San Bernardino Valley Audubon Society (SBVAS)

B. Rutan & Tucker Comment Letter and City Response

PREVIOUSLY DISTRIBUTED DOCUMENTS

1. Draft General Plan (October 2004); Draft Land Use Element (April 2005); Draft Hillside Conservation Designation (Revised June 1, 2005); Draft South Hills Designation (October 25, 2005); and, Draft Final General Plan (October 2005)
2. Draft Existing Setting Report (June 5, 2002)
3. Draft Program Environmental Impact Report (March 22, 2004)
4. Traffic Impact Analysis (May 13, 2004) (CMP document); and, Revised Trip Generation Analysis Report (October 4, 2005);
5. Draft Final Program Environmental Impact Report (Response to Comments, Mitigation Monitoring Report) (June 21, 2004); and, Comment Letters (CBD, SBVAS, and Rutan & Tucker) and City's Responses
6. City Council Staff Reports (October 12, 2004; November 16, 2004; December 7, 2004; December 14, 2004; January 11, 2005; February 1, 2005; February 8, 2005; February 22, 2005; March 8, 2005; April 12, 2005; April 26, 2005; May 17, 2005; June 7, 2005, June 28, 2005; July 26, 2005; August 16, 2005; October 11, 2005; and, October 25, 2005)
7. Planning Commission Staff Reports (April 6, 2005)

OCTOBER 25, 2005
CITY COUNCIL STAFF REPORT
(Previously Distributed)

ATTACHMENT B

RUTAN & TUCKER COMMENT LETTER AND CITY RESPONSE



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October 25, 2005

City of Loma Linda

OCT 25 2005

Administration

Honorable Mayor and Members of the
Loma Linda City Council
25541 Barton Road
Loma Linda, CA 92354

Re: Adoption of the Loma Linda General Plan Amendment

Dear Honorable Mayor and City Council Members:

Rutan & Tucker, LLP represents Robert W. Bell, the owner of 10 acres of residentially zoned property located at the southeast corner of California Street and Citrus Avenue in an unincorporated portion of San Bernardino County (the "Bell Property"). On May 17, 2005, we provided to the City Council a letter explaining our concerns over the proposed land use designation for Special Planning Area J as well as flaws in the Environmental Impact Report ("EIR") prepared for the General Plan Amendment. We are reattaching a copy of that letter as Exhibit "A" and reassert the issues referenced in that letter.

Since May 17th, the City has changed the proposed "mixed use" designation in that portion of Special Planning Area J in which the Bell Property is located from "mixed use" to "business park." This change, however, does not remedy the significant problems we noted in our May 17th letter. By way of example, Loma Linda still has a severe jobs-to-housing imbalance created by the lack of residential structures within the City. By converting substantial portions of Area J from its current residential designation to office park or industrial uses only worsens that jobs-to-housing imbalance.

We also continue to question whether the traffic impact analysis prepared for the adoption of the General Plan evaluated the impacts of business park traffic in Area J and whether the traffic generated by that land use is appropriately correlated with the City's circulation system. We believe it is not.

We continue to have numerous concerns regarding the adequacy of the EIR prepared for the adoption of the General Plan Amendment. Preliminarily, we note that the City provided written responses to comments on the EIR to persons who submitted their comments *after we*



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submitted ours. The above notwithstanding, we have never received any responses to our comments.

We believe the City's selection of project alternatives fails to satisfy the requirements of the California Environmental Quality Act ("CEQA"). Public Resources Code § 21002 requires the City's EIR to identify feasible alternatives that could *avoid or substantially lessen the project's significant environmental effects*. Thus, in selecting project alternatives for evaluation, the focus is to be on alternatives to the proposed project that would attain most of the project's basic objectives while reducing or avoiding any of its significant effects. (14 Cal. Code Regs. § 15126.6.) The alternative selected for the project appear to have been specifically selected: (1) to ensure that the impacts of the alternatives would not be considered environmentally superior, and (2) to ensure that the alternative could be rejected as "infeasible in failing to meet project objectives."

The purpose of the increased residential alternative was to evaluate whether and to what extent replacing non-residential uses with residential uses would provide an environmentally superior alternative. The specific alternative, however, was engineered to ensure that traffic generation (and thus air quality and noise) created by this alternative would not be any less than traffic generated by the proposed alternative. In fact, at page 26 of the Statement of Findings and Facts, the City notes "under this alternative [the increased residential alternative] trip ends (productions and attractions) would increase from approximately 170,000 trips per day to approximately 287,817 trips per day. This represents the same quantity of trips in comparison to the proposed General Plan, which would also produce approximately 287,817 trips per day. This alternative would have the same impact on traffic as the proposed General Plan, which is significant and unavoidable." This is so even though residential uses provide substantially fewer trips per square foot than commercial, institutional or business park uses. As such, it appears that the alternatives were specifically engineered (i.e., designed to provide the exact same number of trips as the proposed General Plan) in order to ensure the alternative could not be considered environmentally superior.

As noted above, there is no substantial evidence to support the finding rejecting the alternative. For instance, as evidence, the City notes "the increased residential alternative will increase traffic by 55% over the proposed General Plan; therefore, increasing vehicle emissions and associated air pollution." (Findings of Fact, p 26.) This fact, however, is simply untrue. On page 23 of that same document, it is reported that the increased residential alternative "represents the same quantity of trips in comparison to the proposed General Plan, which would also produce approximately 287,817 trips per day. *Consequently, the increased residential alternative would produce the same level of air quality impacts as the proposed General Plan.*" The second fact cited for rejecting the alternative is "the demand for energy and level of consumption of natural gas and electricity will be greater than that of the proposed General Plan."



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Energy facilities will need to be constructed or expanded to accommodate this increased future energy demand." This statement, however, is contradicted by the discussion on page 26 of the Findings of Fact wherein it's noted "the impacts associated with the increased residential alternative would not significantly differ from the impacts associated with the proposed General Plan in regard to energy resources." Finally, the last finding supporting the rejection of this alternative reads: "The number of housing units, people, and employment opportunities would be higher under the increased residential alternative than under the proposed General Plan. Therefore, the amount of solid waste generated would be higher. There would be an increase in the need for public services and utilities over the proposed General Plan." This is directly contradicted by other statements on page 26 which include but are not limited to the following: "The increase in total population with this alternative is minimal." Because there lacks any substantial evidence to support the rejection of this alternative, adoption of the EIR with the Statement of Findings and Facts is legally flawed.

We also believe the EIR is fatally flawed because it fails to include a health risk assessment. In *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, the court concluded that when a project has an unavoidable significant impact on air quality, the EIR is required to include a health risk assessment.

"Guideline Section 15126.2, sub. (a) requires an EIR to discuss, *inter alia*, 'health and safety problems caused by the physical changes' that the proposed project will precipitate. Both of the EIRs concluded that the projects will have significant and unavoidable adverse impacts on air quality. It is well known that air pollution adversely affects human respiratory health. (Citation.) Emergency rooms crowded with wheezing sufferers are sad but common sights in the San Joaquin Valley and elsewhere. Air quality indexes are published daily in local newspapers, schools monitor air quality and restrict outdoor play when it is especially poor and the public is warned to limit their activity on days when air quality is particularly bad. Yet neither EIR acknowledges the health consequences that necessarily result from the identified adverse air quality impacts. . . . On remand, the health impacts resulting from adverse air quality impacts must be identified and analyzed in the new EIRs." (*Id* at 1219.)

As the EIR fails to include this requisite health risk assessment, the EIR is fatally flawed.

The Statement of Findings and Facts concludes that there will not be a significant traffic impact from implementation of the General Plan if all General Plan policies are followed. To the extent that it's not clear how all of these General Plan policies (including acquisition and widening of roadways) will be funded, it is unclear how these policies can be followed. Given



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the EIR's failure to demonstrate that it is feasible to implement these policies, it cannot be concluded that the implementation of these policies will mitigate traffic impacts.

The EIR recognizes that the implementation of the General Plan will worsen the jobs-to-housing imbalance currently existing in the City. The above notwithstanding, the Statement of Findings and Facts concludes that this is not a significant impact because it is improving the *region jobs-to-housing imbalance*. This conclusion seems flawed. The purpose of ensuring a jobs-to-housing balance is to reduce traffic congestion, air quality impacts and noise created by longer commutes. Given the size of the region, the surplus of jobs in Loma Linda will not improve air quality, noise or circulation issues if those jobs are being filled by persons within the region who nevertheless have to travel great distances to get to work. Given the foregoing, there is no substantial evidence to support the finding that the local jobs-to-housing imbalance actually serves the region.

Finally, we believe that there is not sufficient substantial evidence to support the City's Statement of Overriding Considerations. By way of example, under the category "air quality" the City notes "the adoption of the proposed General Plan, which includes policies that provide positive actions toward a comprehensive strategy dealing with air quality and are provided below, will be beneficial to the regional air quality program." The record, however, contains no evidence to support the conclusion that these policies will be beneficial to the regional air quality program. For instance, the first policy involves "encouraging developers of large residential and non-residential projects to participate in programs and to take measures to improve traffic flow and/or reduce vehicle trips resulting in decreased vehicle emissions." There is no evidence explaining how developers will be encouraged to take these steps nor whether such encouragement will actually cause the developers to take these steps. As such, there is no evidence to support the assertion that this policy statement will in fact be beneficial to the regional air quality program. The other policy statements which "encourage" behaviors are subject to the same objection. Some other policies involve the construction or provision of certain improvements. As noted previously, however, the record does not indicate how these improvements will be funded and, therefore, there is no evidence that these improvements will actually occur. As such, they too cannot be considered substantial evidence to support the Statement of Overriding Considerations. This lack of substantial evidence plagues not only the air quality section, but the biological resource, traffic and aesthetic and visual resource sections of the Statement of Overriding Considerations.



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Based on the foregoing, we continue to believe that the EIR is inadequate and that the Statement of Findings and Facts supporting the adoption of the EIR is fatally flawed. For the foregoing reasons, we request that the City Council delay its certification of the Environmental Impact Report and its adoption of the General Plan until these problems can be remedied and the document recirculated.

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Sincerely,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, appearing to read "Jeffrey A. Goldfarb".

Jeffrey A. Goldfarb
Attorneys for Robert W. Bell

JAG:jh
Attachment

COMMENT 1: JOBS/HOUSING BALANCE

Response: The City of Loma Linda is located within Regional Statistical Area (RSA) 29. Table A lists the jurisdictions that make up RSA 29, as well as the jobs/housing ratio of each. The jobs/housing ratio identifies the number of jobs available in a given region compared to the number of housing units in the same region, and determines potential imbalances between housing and employment opportunities.

Table A: Regional Statistical Area 29 Jobs/Housing Ratio

Area	Households	Employment	Ratio
Colton	14,232	20,255	1.42
Fontana	30,306	33,217	1.10
Grand Terrace	4,542	3,482	0.77
Highland	12,902	5,611	0.43
Loma Linda	7,382	12,375	1.68
Redlands	23,261	25,532	1.10
Rialto	23,965	18,668	0.78
San Bernardino	59,178	95,483	1.61
Yucaipa	14,176	7,864	0.55
Unincorporated	87,706	39,947	0.46
Total RSA 29	277,650	262,434	0.95

Source: *The New Economy and Jobs/Housing Balance in Southern California*, Southern California Association of Governments, April 2001.

Within a city, planning for a jobs/housing balance on a small scale could easily result in a city composed of residential subdivisions on one side of a street or city and business parks and shopping centers on the other side of the street or town. On a practical level, a jobs/housing balance of 1.0, which indicates a balance, is usually accomplished on a regional level. A ratio greater than 1.0 indicates a net in-commute; a ratio less than 1.0 indicates a net out-commute. The jobs/housing balance for the RSA 29 region approaches 1.0 (0.95), indicating that the region is balanced.

The areas with ratios greater than 1.0 include the cities of Colton, Fontana, Loma Linda, Redlands, and San Bernardino; areas with ratios less than 1.0 include Grand Terrace, Highland, Rialto, Yucaipa, and unincorporated areas of the County of San Bernardino. Taken in its entirety, the City of Loma Linda jobs/housing imbalance serves the RSA 29 region by balancing the region and precluding the requirement for vast numbers of out-commutes to the counties of Los Angeles, Orange, Riverside, or San Diego.

As stated in the EIR, 17,261 housing units will be developed in the City by the General Plan build out date, and job opportunities in the City are expected to total about 27,564, which is 1.6 jobs for every household. This 1.6 ratio is approximately the same as the existing ratio (1.68) listed in Table A. In addition, as stated in the EIR:

SCAG 2001 RTP projects that, as a whole, the Regional Statistical Area that Loma Linda is in will have more than 300,000 jobs and more than 300,000 households by 2025 [the existing jobs and households for RSA 29 is 262,434 and 277,650,

respectively]. Because Loma Linda's numerous jobs will help to balance the numerous households in surrounding cities, a balance between the number of jobs and households will exist within the region by 2025, and the jobs within Loma Linda will have a beneficial effect on the region.

This balance supports the finding that the local jobs-to-housing imbalance actually serves the region.

COMMENT 2: AREA J TRAFFIC FORECASTS

Response: The determination of the City's future roadway system is based on the existing volume of traffic plus the traffic volume forecasts based on the General Plan. Based on average daily traffic (ADT) volumes, a two-lane road can serve up to approximately 10,000 vehicles per day, a four-lane road can serve up to approximately 20,000 vehicles per day, and a six-lane road can serve up to approximately 30,000 vehicles per day. For every 10 acres, the mixed-use land use category would produce approximately 25 single-family homes and 50 multiple-family homes, generating 500 to 750 trips per day.

Comparatively, 10 acres of business-park would produce approximately 110,000 square feet of building area, generating 750 to 1,000 trips per day. Because the difference in trip generation from mixed-use to business-park is non-existent or relatively small in comparison to the difference in traffic volume capacity from a two-lane road to a four-lane road or from a four-lane road to a six-lane road, it is clear that the circulation system needs for Area J have been assessed and sized correctly.

COMMENT 3: CITY OF LOMA LINDA RESPONSE TO PREVIOUS COMMENTS

The current and previous comment letters from the commenter and other letters mention by the commenter (Center for Biological Diversity, Audubon Society) were received in response to the Final EIR. There is no requirement that a lead agency provide responses to comments received after close of the 45-day public review period on the Draft EIR. In practice, however it is common for the City of Loma Linda to respond to comments on Draft EIRs. In the case of the previous two late arriving letters (Center for Biological Diversity, Audubon Society), the City of Loma Linda responded to them to err on the side of caution. The City of Loma Linda is responding to the current comment letter.

COMMENT 4: ALTERNATIVES SELECTED

Response: The City of Loma Linda disagrees with the commenter. CEQA requires that an EIR examine a reasonable range of feasible alternatives, which is what was presented within the EIR.

COMMENT 5: ALTERNATIVES SELECTED

The commenter claims that the alternatives were selected so that they could be rejected, because they were environmentally inferior and/or did not meet the basic objectives of the proposed project. The key point to be made is that the proposed project brings specific objectives that were correctly used to eliminate certain alternatives from further consideration.

COMMENT 6: INCREASED RESIDENTIAL ALTERNATIVE AND TRAFFIC

Response: The comment questions the conclusion made in the EIR that states the impacts resulting from implementation of the Increased Residential Alternative would be the same as the proposed project. The comment correctly notes that the Increased Residential Alternative would generate approximately the same number of trips (approximately 288,000 trips per day) as the proposed project. As stated on page 23 of the findings, the Increased Residential Alternative would increase area devoted to commercial, business-park, and office space by 199 acres over the proposed General Plan. Although the number of residential units would increase by five percent over the proposed General Plan, the combined effect of the Increased Residential Alternative's reduction in residences with increased commercial, business-park, and office acreage would result in the same trip generation, resulting in the same significant unavoidable impacts associated with traffic.

COMMENT 7: RESIDENTIAL ALTERNATIVE TRIP GENERATION NOT ENVIRONMENTALLY SUPERIOR

Response: Please refer to response to Comment 6.

COMMENTS 8, 9, AND 10: REJECTION OF INCREASED RESIDENTIAL ALTERNATIVE BECAUSE OF TRAFFIC, ENERGY, AND POPULATION

Comments 8, 9 and 10 correctly identify an error in the issues identified on pages 26 and 27 of the Findings. The following bullet items will replace those found on pages 26 and 27.

- The Increased Residential Alternative will increase the number of residential as compared to the proposed General Plan; therefore, increasing the exposure of structures and people to substantial adverse effects associated with faulting, severe ground shaking, liquefaction, landslides, slope instability, erosion, or expansive soils would be greater than the proposed General Plan.
- The Increased Residential Alternative will increase employment-generating land uses as compared to the proposed General Plan; therefore, incrementally increasing the use, generation, and transport of Hazardous Materials, and incrementally increasing the potential exposure to hazardous materials caused by the illegal dumping of household hazardous materials. This Alternative's impacts relative to hazards and hazardous materials would have a greater impact than the proposed General Plan.

- The Increased Residential Alternative will increase the potential for significant flood –hazard impacts as compared to the proposed General Plan.
- The Increased Residential Alternative will increase the population and number of dwelling units as compared to the proposed General Plan; therefore, increasing impacts on library services.
- The Increased Residential Alternative will increase the number of dwelling units, population and employment opportunities as compared to the proposed General Plan resulting in increased solid waste generation; therefore, increasing impacts to solid waste services. The increase in landfill capacity or the creation of a new landfill will cause greater impacts than those created by the proposed General Plan.

COMMENT 11: HEALTH RISK ASSESSMENT

Response: Table B lists potential health effects from exposure to the criteria pollutants. Because the concentration standards are set at a level that protects public health with an adequate margin of safety, these health effects would not occur unless the standards were exceeded by a considerably large margin. Among these pollutants, ozone (O₃) and particulate matter (PM_{2.5} and PM₁₀) are considered regional pollutants, while the others have more localized effects.

Table B – Health Effects Summary of the Major Criteria Air Pollutants

Pollutant	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight.	Aggravation of respiratory and cardiovascular diseases. Irritation of eyes. Impairment of cardiopulmonary function. Plant leaf injury.
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust. High temperature stationary combustion. Atmospheric reactions.	Aggravation of respiratory illness. Reduced visibility. Reduced plant growth. Formation of acid rain.
Carbon Monoxide (CO)	Incomplete combustion of fuels and other carbon containing substances, such as motor exhaust. Natural Events, such as decomposition of organic mater.	Reduced tolerance for exercise. Impairment of mental function. Impairment of fetal development. Death at high levels of exposure. Aggravation of some heart diseases (angina).
Particulate Matter (PM _{2.5} and PM ₁₀)	Stationary combustion of solid fuels. Construction activities. Industrial processes. Atmospheric chemical reactions.	Reduced lung function. Aggravation of the effects of gaseous pollutants. Aggravation of respiratory and cardio respiratory diseases. Increased cough and chest discomfort. Soiling. Reduced visibility.
Sulfur Dioxide (SO ₂)	Combustion of sulfur-containing fossil fuels.	Aggravation of respiratory diseases (asthma, emphysema).

Table B – Health Effects Summary of the Major Criteria Air Pollutants

Pollutant	Sources	Primary Effects
	Smelting of sulfur-bearing metal ores. Industrial processes.	Reduced lung function. Irritation of eyes. Reduced visibility. Plant injury. Deterioration of metals, textiles, leather, finishes, coatings, etc.
Lead (Pb)	Contaminated soil.	Impairment of blood functions and nerve construction. Behavioral and hearing problems in children.

Source: California Air Resources Board, 2000.

Specific criteria for determining whether the potential air quality impacts of a project are significant are set forth in the *CEQA Air Quality Handbook* from the South Coast Air Quality Management District. The criteria include emissions thresholds, compliance with State and national air quality standards, and consistency with the current Air Quality Management Plan. The emission thresholds were established based on the attainment status of the air basin with respect to air quality standards for specific criteria pollutants. Because the concentration standards were set at a level that protects public health with an adequate margin of safety, these emission thresholds are regarded as conservative and would overstate the contribution to health risks of an individual project.

Despite great progress in air quality improvement, approximately 146 million people nationwide lived in counties with pollution levels above the National Ambient Air Quality Standards in 2002. Out of the 230 non-attainment areas identified during the 1990 Clean Air Act Amendment designation process, 124 areas presently remain as non-attainment. In these non-attainment areas, however, the severity of air pollution episodes has decreased since 1990. Air quality in the South Coast Air Basin in the past 20 years has improved steadily and dramatically, even with the tremendous increase in population and vehicles and other sources.

Long-term exposure to elevated levels of criteria pollutants could result in potential health effects; however, emission thresholds established by the air district are used to manage total regional emissions within an air basin, based on the air basin attainment status for criteria pollutants. These emission thresholds were established for projects that would contribute to regional emissions and pollutant concentrations that may affect or delay the projected attainment target year for certain criteria pollutants.

Because of the conservative nature of the air quality thresholds and the basin-wide context of emissions, there is no direct correlation of a project to localized health effects. A project having emissions exceeding a threshold does not necessarily result in adverse health effects for residents in the project vicinity. The potential for an individual project to significantly deteriorate regional air quality or contribute to significant health risk is small, even if the emission thresholds are exceeded with implementation of the project. Because of the overall improving trend of air quality in the air basin, it is unlikely the regional air quality or health risk would worsen from the current condition due to emissions from a project.

COMMENT 12: FUNDING OF TRAFFIC POLICIES

Response: The primary goal of the proposed General Plan is to provide residents of the City of Loma Linda with a “blueprint” for future public and private development and for management of the community’s natural environment. The proposed General Plan will act as the foundation upon which City leaders will make growth and land use-related decisions. The proposed General Plan expresses the community’s goals with respect to human-made and natural environments and sets forth the policies and implementation measures to achieve them. The objective of the proposed General Plan is to achieve the vision of the City of Loma Linda residents in conformance with State planning law.

In addition, CEQA §15152(c) states “Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.”

The Final EIR for the Loma Linda General Plan Update has been identified as a “Program EIR,” which evaluates the broad-scale impacts of the proposed General Plan, evaluating the large-scale impacts on the environment that can be expected to result from the adoption of the General Plan, but not necessarily addressing the site-specific impacts that may result from the construction and operation of smaller, and as yet unidentified projects. CEQA requires each of those subsequent development projects be evaluated for their particular site-specific impacts. These site-specific analyses are typically encompassed in second-tier documents, such as Project EIRs, Focused EIRs, or Negative Declarations on individual development projects subject to the General Plan, which typically evaluate the impacts of a single activity undertaken to implement the overall plan. Through these second-tier documents, the specifics of roadway improvements (i.e., acquisition and funding) will be discussed at a more practical and efficient level.

This is supported by the fact that traffic improvements in the city are funded in part by Traffic Mitigation Fees, which are collected from developers and represent the developer’s respective contribution to a necessary improvement related to development in the area. The courts have ruled that fees can only be collected when there is a “nexus” or a direct link between a project’s traffic impacts and the proposed traffic improvement. An anticipatory fee of underdeveloped lots would not be legal as there would not be a known direct nexus.

COMMENT 13: JOBS/HOUSING BALANCE

Response: The commenter states that the worsened jobs-to-housing imbalance “will not improve air quality, noise or circulation issues if those jobs are being filled by persons within the region who nevertheless have to travel great distances to get to work.” The commenter also states, “Given the foregoing, there is no substantial evidence to support the finding that the local jobs-to-housing imbalance actually serves the region.” The commenter states that Loma Linda “jobs are being filled by persons within the region who nevertheless have to travel great distances to get to work.” The facts do not support this contention. The EIR states that:

[U]nlike many communities with substantial local employment, a large percentage of Loma Linda's workforce is already employed locally. Loma Linda University and associated medical institutions along with the Veterans Hospital are the largest employers in the City, providing employment in the fields of education, health, and social services. As shown in the 2000 Census, 54 percent of the residents of City of Loma Linda are employed in these fields."

Nevertheless, if employees did not reside locally, but commuted within the region (RSA 29), the commutes would range from a low of 5.2 miles from Colton to a high of 16.7 miles from Yucaipa. These commutes were estimated from mapquest.com, and the mileage could be more or less depending on exactly where the places of employment were located. The commute distances cannot be described as great. For more discussion of jobs/housing balance, please see the Response to Comment 1.

COMMENT 14: SUBSTANTIAL EVIDENCE FOR STATEMENT OF OVERRIDING CONSIDERATION FOR AIR QUALITY

Response: The commenter states that there is not "sufficient substantial evidence to support the City's Statement of Overriding considerations." The commenter disagrees with the statement that "the adoption of the proposed General Plan, which includes policies that provide positive actions toward a comprehensive strategy dealing with air quality are provided below, will be beneficial to the regional air quality program." The City of Loma Linda respectfully submits that air quality, as discussed throughout the EIR, is a serious issue and has been thoroughly analyzed.

Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinions supported by facts. According to Public Resources Code (PRC) §21080(e):

Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous.

The City of Loma Linda has not intentionally included argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous.

In addition, the City of Loma Linda has adhered to the following standards when adopting the Statement of Findings and Facts:

- Lead Agency must make one or more of findings pursuant to §15091(a) which include (a) Changes have been incorporated in the project to avoid or substantially lessen the identified significant environmental effect. (b) The changes are within the jurisdiction of another agency and the changes have been or should be adopted by that other agency. (c) Specific considerations which make infeasible the alternatives identified in the final EIR.
- Support finding by substantial evidence in the record.
- Agency must present an explanation of the rationale of each finding.
- Preparation of a statement of overriding considerations does not substitute for this findings requirement.

While the opinion stated in the comment is duly noted, it is the belief of the City of Loma Linda that the Statement of Findings and Facts, which are based on the EIR, have fully evaluated the effects and impacts of the proposed project and alternatives commensurate with the requirements of CEQA and in a comprehensive and inter-disciplinary manner that is completely consistent with standards of procedure for analysis and documentation for EIRs.

The City of Loma Linda believes that the studies and analyses that were carried out for the Final EIR were appropriate in scope and methodology, followed applicable regulations and guidelines, and were consistent with current practices in the field of environmental impact analysis to assure compliance with CEQA for this project.

The Final EIR document and this document, in combination, represent what the City of Loma Linda believes to be a comprehensive, good-faith, and successful effort in complying with the comment letters and fundamental principles of CEQA.

It has been determined that with the information in the Final EIR and the additional amplifying information provided in this document, there has been substantial evidence brought forth to support a fair argument in the adoption of the Statements of Findings and Facts and EIR.

In addition, no significant new circumstances or information relevant to environmental concerns that have a bearing on the proposed action or its impacts have been brought forward.

COMMENT 15: DEVELOPERS WILL BE ENCOURAGED TO TAKE MEASURES TO DECREASE TRAFFIC

Response: The General Plan establishes numerous policies associated with vehicular circulation, non-motorized transportation, and transit. These policies are found in Chapter 6.0 of the General Plan, Transportation and Circulation Element, pages 6-12 through 6-16. The programs and measures developers will be both required to adhere to and encouraged to participate in are contained within these policies and provide evidence in support of the claim that regional air quality will benefit from them.

COMMENT 16: POLICY STATEMENTS THAT "ENCOURAGE" BEHAVIORS

Response: The City of Loma Linda must adopt a mitigation monitoring or reporting program to ensure that mitigation measures are implemented (Public Resources Code §21081.6(b)) and the level to which they are "encouraged." The City of Loma Linda believes the General Plan should be a dynamic document based on a snapshot of community values, politics, and conditions at a particular moment in time, i.e., upon plan adoption. Because these factors are always in flux, the City of Loma Linda monitors the relevance of their General Plan, and in fact, this monitoring resulted in the General Plan Amendment under discussion.

When a monitoring program reveals a plan inadequacy, the City of Loma Linda will amend or, if necessary, totally revise the general plan to bring it up to date. Those portions of the plan having a short-term focus, such as the implementation program, will be annually reviewed and amended as

necessary. The review should take into account the availability of new implementation tools, and the feedback from plan monitoring activities. Indeed, §65400(b) requires the City of Loma Linda to “[p]rovide an annual report to the legislative body on the status of the plan and progress in its implementation.”

COMMENT 17: FUNDING OF IMPROVEMENTS

Response: The Final EIR for the Loma Linda General Plan Update has been identified as a “Program EIR.” CEQA requires that subsequent development projects be evaluated for their particular site-specific impacts. These site-specific analyses are typically encompassed in second-tier documents, such as Project EIRs, Focused EIRs, or Negative Declarations on individual development projects subject to the General Plan, which typically evaluate the impacts of a single activity undertaken to implement the overall plan. Through these second-tier documents, the specifics of funding improvements will be discussed at a more practical and efficient level.

COMMENT 18: LACK OF SUBSTANTIAL EVIDENCE IN BIOLOGICAL RESOURCES, TRAFFIC, AND AESTHETIC AND VISUAL RESOURCES SECTIONS

Response: With respect to the lack of substantial evidence in biological resource, traffic, and aesthetic and visual resources sections, the City of Loma Linda respectfully disagrees with this assertion. A discussion of the definition of substantial evidence is included in the Response to Comment 14.

It is the belief of the City of Loma Linda that the Statement of Findings and Facts are based on the EIR, which has fully evaluated the impacts of biological resources, traffic, and aesthetic and visual resources. The City of Loma Linda believes that the studies and analyses that were carried out for the Final EIR were appropriate in scope and methodology, followed applicable regulations and guidelines, and were consistent with current practices in the field of environmental impact analysis to assure compliance with CEQA for this project.

The Final EIR document and this document, in combination, represent what the City of Loma Linda believes to be a comprehensive, good-faith, and successful effort in complying with the comment letters and fundamental principles of CEQA.

It has been determined that with the information in the Final EIR and the additional amplifying information provided in this document, there has been substantial evidence brought forth to support a fair argument in the adoption of the Statements of Findings and Facts and EIR with respect to biological resources, traffic, and aesthetic and visual resources.

COMMENT 19: INADEQUATE EIR AND FATALLY FLAWED STATEMENT OF FINDINGS AND FACTS

Response: The City of Loma Linda respectfully disagrees. The previous responses to comments disprove the commenter’s proclamations.